

Application Number 10/784,124
Responsive to Office Action mailed January 17, 2007

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REMARKS

This amendment is responsive to the Office Action dated January 17, 2007. Applicant has amended claim 22. Claims 1, 4-15, 18-26, and 28-35 are pending.

Allowable Subject Matter

In the Office Action, the Examiner indicated that claims 1, 4-15 and 18-21 are allowable in their present form, and objected to claims 28-35 as including subject matter that would be allowable if rewritten in independent form. Applicant thanks the Examiner for the indication of allowability.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 22-25 under 35 U.S.C. 102(b) as being anticipated by Kunz (US 6,127,989). Applicant has amended claim 22 to include subject matter recited by allowable claim 1. Consequently, claim 22 and the claims dependent therefrom (i.e., claims 23-24) are in condition for allowance.

With regard to claim 25, Applicant points out that claim 25 is dependent upon allowable claim 1, and should therefore similarly be allowable. Applicant believes that the Examiner's rejection of claim 25 was inadvertent. Withdrawal of the rejection of claim 25 is requested.

Rejection for Obviousness-type Double Patenting:

The Examiner provisionally rejected claim 26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 25 of copending Application No. 10/784,109. The Examiner also provisionally rejected claims 22-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-4 of copending Application No. 10/784,109.

As a preliminary matter, Applicant notes that, as above, it is believed that the Examiner's inclusion of claim 25 in this rejection was inadvertent.

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Applicant submits that upon entry of the amendments set forth herein, the provisional rejections under the judicially created doctrine of obviousness-type double patenting are the only rejections remaining in this application. Applicant therefore respectfully requests the Examiner to withdraw the provisional rejection. See MPEP 804.¹ Claims 22-26 and 28-35 are in condition for allowance.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

April 12, 2007

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¹ MPEP 804 states:

If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.